ರೇಡಿಯೋಪಿನಲ್ಲಿ ವರ್ತಮಾನವನ್ನು ಬಿತ್ತರಿಸುವಾಗ ಜಿಲ್ಲಾ ಪೋಲೀಸ್ ಅಧಿಕಾರಿಗಳಿಂದ ಏನಾದರೂ ರಿಪೋರ್ಟ್ ತರಿಸಿಕೊಂಡರೇ. ತರಿಸಿಕೊಂಡು ಅದನ್ನು ಪರಿಶೀಲನೆಮಾಡಿ ಅದರ ವಾಸ್ತವಿಕ ಪರಿಸ್ಥಿತಿಯನ್ನು ಅರ್ಥ ಮಾಡಿಕೊಂಡು ಆ ರೀತಿ ಅಭಿಪ್ರಾಯಕ್ಕೆ ಬಂದಿದ್ದೀರಾ. ಮುಖ್ಯ ಮಂತ್ರಿಗಳಾದವರು, ರಕ್ಷಣಾ ಇಲಾಖೆಯ ಜವಾಬ್ದಾರಿಯನ್ನು ವಹಿಸಿಕೊಂಡಿರತಕ್ಕವರು, ಸ್ವಲಾಭ ಕೊಸ್ಕರ ಆ ರೀತಿ ಅಭಿಪ್ರಾಯ ಪಡುವುದರಿಂದ ಅಡ್ಡಿ ಆತಂಕ ಉಂಟಾಗುತ್ತದೆ. ಆ ರೀತಿ ಆಗುವುದಕ್ಕೆ ಮುಂದೆ ಅವಕಾಶ ಕೊಡಬಾರದು ಎಂದು ನಾನು ಪ್ರಾರ್ಥಿಸುತ್ತೇನೆ.

† ಶ್ರೀ ಡಿ. ದೇವರಾಜ್ ಅರಸ್.—ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರೇ, ಮೊದಲನೆಯದಾಗಿ ನಾನು ಹೇಳಿದ್ದು ಸರಿಯಾಗಿದೆ ಎಂದು ಹೇಳಿದ್ದಾರೆ. ಅದಕ್ಕಾಗಿ ಅವರಿಗೆ ನನ್ನ ಅಭಿನಂದನೆಗಳು. ಒಂದೊಂದೆ ಸಾರಿ ಒಪ್ಪಿಕೊಳ್ಳುತ್ತಾರೆ.

ಎರಡನೆಯದಾಗಿ ನಾನು ಎಲ್ಲೂ ರೇಡಿಯೋದಲ್ಲಿ ಭಾಷಣ ಮಾಡಿದ್ದೇನೆಂದು ಹೇಳಿದರು. ಎಲೆಕ್ಷನ್ ಟೈಮಿನಲ್ಲಿ ನಾನು ಯಾವ ರೇಡಿಯೋ ಸ್ಪೇಷನ್ ಹತ್ತಿರ ಹೋಗಿದ್ದೆ ? ಅದು ರೇಡಿಯೋದಲ್ಲಿ ಬಂತು, ಇದು ಪತ್ರಿಕೆಗಳಲ್ಲೂ ಬಂತು, ಖೂನಿ ಆದುದೂ ಬಂತು. ಅವನು ಸತ್ತುಹೋದ, ಇವನು ಸತ್ತು ಹೋದ ಎಂಬುದಾಗಿ ಹೇಳಿದರು. ಅದಕ್ಕೆಲ್ಲಾ ನಾನು ಜವಾಬ್ದಾರನಲ್ಲ. ನಾನು ಎಂದೂ ಸುಳ್ಳು ವಿವರಗಳನ್ನು ಇಲ್ಲಿ ಹೇಳಿಲ್ಲ. ಚುನಾವಣೆ ಸಮಯದಲ್ಲಿ ಘರ್ಷಣೆ ಮೂಲಕ ಒಬ್ಬ ಕಾಂಗ್ರೆಸ್ ಕೆಲಸಗಾರ ಮರಣ ಹೊಂದಿದ್ದಾನೆಂದು ಹೇಳಿದ್ದೇನೆ. ಆದರೆ ಈ ಸಾರಿಯ ಚುನಾವಣೆಯ ಕಾಲದಲ್ಲಿ ವಿರೋಧಪಕ್ಷದವರು ಹೇಳಿರುವಂಥ ಸುಳ್ಳಿನ ಕಂತೆಯನ್ನು ಈ ಸಭೆಯಲ್ಲಿ ನಾನು ಹೇಳಿಬಿಟ್ಟರೆ ಎಲ್ಲರೂ ಆಶ್ಚರ್ಯ ಪಡುತ್ತಾರೆ. ಅದರಲ್ಲೂ ಈ ಸಾರಿಯ ಚುನಾವಣೆಯಲ್ಲಿಂತೂ ಎಷ್ಟು ಸುಳ್ಳನ್ನು ಹೇಳಬೇಕೋ ಅಷ್ಟನ್ನೂ ಹೇಳಿದ್ದಾರೆಂಬುದಾಗಿ ಇರತಕ್ಕ ನಿಜವಾದ ಸಂಗತಿಯನ್ನು ಹೇಳಿದ್ದೇನೆ.

ಶ್ರೀ ಎಚ್. ಡಿ. ದೇವೇಗೌಡ.—ಹಾಗಾದರೆ ಅವರು ಶ್ರೀಮತಿ ಇಂದಿರಾಗಾಂಧಿಯವರ ಬಗ್ಗೆಯೂ ಸುಳ್ಳು ಹೇಳಿದ್ದಾರೆ.

ಶ್ರೀ ಡಿ. ದೇವರಾಜ ಅರಸು.—ಹೆಚ್ಚಿಗೆ ನೀವು ಸುಳ್ಳು ಹೇಳಿದ್ದಿರಿ.

ಶ್ರೀ ಎಚ್. ಡಿ. ದೇವೇಗೌಡ.—ಮುಂದೆ ನೋಡೋಣ.

Matter under Rule 312

re : Suspension of Class I Officer by the General Manager of the KSRTC.

SRI P. M. BANGI (Jamkhandi).—Under Rule 312 of the Rules of Procedure and Conduct of Business in the Legislative Assembly, I raised a matter relating to the suspension of class-I officer of the Karnataka State Road Transport Corporation by the General Manager. I want that the suspension be cancelled by the Government immediately.

† SRI M. MOHAMMED ALI (Minister for Transport and Tourism).—The Karnataka State Road Transport Corporation in their letter dated 16-2-1976 proposed certain amendments to the KSRTC (Conduct and Discipline) Regulations, 1971. The disciplinary authority appointed under the existing provisions in respect of Class I Officers in regard to punishments (i) to (viii) (Minor Penalties) is the General Manager and the appellate

authority is the Corporation. In respect of Class I and II Officers, the Disciplinary authority in respect of penalties ix and x (major penalties) is the Corporation, In their proposed amendments the Coporation suggested that the Disciplinary authority in respect of punishments ix and x to be given to Class I and II Officers should be the Chairman and the Appellate authority should be the Corporation. While approving the amendments, Government have suggested certain modifications and before directions are issued the Corporation have been addressed on 31-1-1977 for this opinion as required under Section 34 of the Road Transport Corporation Act and the views of the Corporation are being awaited and if the Corporation fail to furnish its views by the end of this month, it well be presumed that Corporation has no views to offer and a final direction will be issued. As the Government has not yet issued final directions, the same has not come into effect.

ಶ್ರೀ ಟಿ. ಎಂ. ಮಂಜುನಾಥ್ (ತಿಪಟೂರು).—ಈಗತಾನೆ ಮಂತ್ರಿಗಳು ಈ ಸಭೆಯಲ್ಲಿ ಮಾಡಿರತಕ್ಕಂಥ ವರದಿಯನ್ನು ನೋಡಿದರೆ, ಸಂಬಂಧಪಟ್ಟ ಅಧಿಕಾರಿಯನ್ನು ಸಸ್ಪೆಂಡ್ ಮಾಡಬೇಕಾದರೆ ತಮ್ಮ ಆದೇಶ ಏನಿತ್ತು ಅಥವಾ ತಮ್ಮ ಕಾನೂನಿನ ವ್ಯಾಪ್ತಿಗೆ ಒಳಪಡುತ್ತದೆಯೇ ಇಲ್ಲವೆ ಎಂಬುದನ್ನು ವಿಚಾರ ಮಾಡಬೇಕು. ಯಾವಾಗಲೂ ಯಾವ ಒಬ್ಬ ಅಧಿಕಾರಿಯನ್ನು ಸಸ್ಪೆಂಡ್ ಮಾಡಬೇಕಾದರೆ ಸಕಾರಣಗಳನ್ನು ಕೊಟ್ಟು ಅವನಿಗೆ ಒಂದು ಅವಕಾಶ ಕೊಡದೆ ಉದ್ದೇಶಪೂರ್ವಕವಾಗಿ ಈ ರೀತಿ ಮಾಡಿರತಕ್ಕ ಭಾವನೆ ಬರುವಹಾಗೆ ಮಾಡಿದಂಥ ಕಾರಣವೇನು? ಅವರಿಂದಾಗಿರತಕ್ಕ ತಪ್ಪುಗಳಾದರೂ ಏನೂ ಎಂಬುದನ್ನು ದಯವಾಡಿ ಈ ಸಭೆಯಲ್ಲಿ ಹೇಳುವುದ ಕ್ಕಾಗುತ್ತದೆಯೇ ?

SRI M. MOHAMMED ALI.—The disciplinary authority for major punishments is the Corporation for Class I and II Officers. Therefore it was thought desirable by the Government that suspension power must be with the Corporation and not with the General Manager because the General Manager cannot give any major penalties Hence I had suggested a change. Before a change is finally effected, we have to give a notice to the Corporation and then give a final direction under section 34 of the Act. The Corporation is required to furnish its views; the moment we receive its concent, a final decision will be taken and a notification will be issued. Meanwhile the Government Order that has been passed for modifying the rules have not come into effect.

So far as Sri Manjunath's point of view is concerned, I have made the statament. Since the Government Order as not come into effect technically it can be said that there is no violation. How and in the what manner the officer has got to be suspensed, that is a different matter. If a question is put, I shall get all the details and furnished it to the House.

ಶ್ರೀ ಟಿ ಎಂ. ಮಂಜುನಾಥ್.—ಈಗ ಮಂತ್ರಿಗಳು ಕಾನೂನು ಅಮೆಂಡ್‌ಮೆಂಟ್ ಬಗ್ಗೆ ಸರ್ಕಾರದ ಉದ್ದೇಶ ಕುರಿತು ಇಂತಿಂಥಾದ್ದನೆಲ್ಲಾ ಅಮೆಂಡ್ ಮಾಡಬೇಕೆಂದು ಕಾರ್ಪೊರೇಷನ್ನಿಗೆ ಬರೆದಾಗ ಅದರ ಮುಖ್ಯೋದ್ದೇಶಗಳನ್ನು ಅರಿತು ಜನರಲ್ ಮ್ಯಾನೇಜರ್ ಅವರಾಗಲೀ, ಅಥವಾ ಬೇರೆ ಅಧಿಕಾರಿ ಯಾದರೂ ಒಬ್ಬರು ಅದರಂತೆ ನಡೆದುಕೊಳ್ಳಬೇಕಾಗಿತ್ತು. ಆದರೆ ಅವರ್ಯಾರೂ ಅದನ್ನು ಪರಿಗಣನೆಗೆ ತೆಗೆದುಕೊಳ್ಳದೆ ಈ ರೀತಿ ಮಾಡಿರತಕ್ಕಂಥಾದ್ದು ಸರಿಯೇ, ತಪ್ಪೆ ?

SRI M MOHAMMED ALI.—As regards the question of suspension is concerned, it has got to be examined whether the suspension order is per law and rules. In either way it can be argued. Now I am not in a position to say anything because I have not looked into the matter. The legal aspect has to be examined. I can only say that by the end of this month a final notification will be issued.

SRI M. S. KRISHNAN.—The recourse taken to suspend an officer by the Corporation is valid legally. When you are thinking of amending the rules, what is the action that the government is thinking of taking power whether it is justified or unjustified etc. ?

SRI M. MOHAMMED ALI.—That question has not been brought to the notice of the Government. The only question is that asked is about the existing legal aspect. I am not prepared to answer every question that is put. The question that has put is : whether the General Manager has got power to suspend and with regard to its validity nobody has asked. You may kindly see from the notice given to me.

SRI M. S. KRISHNAN.—If the Minister does not come prepared to answer the questions without knowing the background, why should he answer ?

SRI KAGODU THIMMAPPA.—I invite your attention to the rules. In one breath you say the quection of invalidity does not arise and in another breath you say it is valid ಜನರಲ್ ಮ್ಯಾನೇಜರ್ ಸಸ್ಪೆಂಡ್ ಮಾಡುವ ಅಧಿಕಾರ ಅವರಿಗೆ ಕಾರ್ಪೊರೇಷನ್ನಲ್ಲಿ ಇದೆ. ಅದು ಆಟಾನಮಸ್ ಬಾಡಿ, ರೂಲ್ಸ್ ಪ್ರಕಾರ ಮಾಡಿದ್ದಾರೆ. ಆದ್ದರಿಂದ ತಾವು ಮಧ್ಯೆ ಪ್ರವೇಶ ಮಾಡುವುದಕ್ಕೆ ಬರುವುದಿಲ್ಲ. ಆದರೆ ತಾವು ಹೇಳುವ ಪ್ರಕಾರ ಅವರು ಮಾಡಿರುವುದು ಸರಿಯೋ ತಪ್ಪೋ ಎಂದು ಹೇಳುವ ಮತ್ತು ಸಸ್ಪೆಂಡ್ ಮಾಡುವ ಹಕ್ಕು ಅವರಿಗಿರುವಾಗ ತಾವು ಏತಕ್ಕೆ ಮಧ್ಯ ಪ್ರವೇಶ ಮಾಡುವುದು.

2-30 P.M.

ರೂಲ್ 18ರ ಪ್ರಕಾರ ತಾವು ನೋಡಿದರೆ ಡಿಸಿಪ್ಲಿನರಿ ಪ್ರೊಸಿಡಿಂಗ್ಸ್

"Any one or more of the following Penalties may be imposed on the corporation employees" ಎಂದು ಹೇಳುತ್ತದೆ. ಮೈನರ್ ಪೆನಾಲ್ಟೀಸ್ ಎಂದರೆ

"suspension not exceeding for 60 days with subsistence allowance equal to one fifth of the pay if he had been on duty"

ಜೊತೆಗೆ ರೂಲ್ 21ರಲ್ಲಿ ಏನು ಕೇಳುತ್ತದೆ ಎಂದರೆ

Rule 21 :

"the disciplinary authority or any other authority to which it is subordinate or any other authority empowered in that behalf by the corporation may by special order place the corporation employee under suspension".

Schedule : ಕ್ಲಾಸ್ ಸೆಕೆಂಡ್‌ನಲ್ಲಿ

Class I Officers-penalty under rule 18, 1 to 8.

Disciplinary authority-General Manager Appellate authority-Corporation"

ತಾವು ಹೇಳುವುದು, ಅಪಲೇಟ್ ಆಥಾರಿಟಿಗೆ ನಸ್‌ಪೆಂಡ್ ಮಾಡುವುದಕ್ಕೆ ಕಾಂಪಿಟೆನ್ಸ್ ಇದೆಯೇ ಎನ್ನುವುದನ್ನು ಎಕ್ಸಾಮಿನ್ ಮಾಡುವ ನಿರ್ದೇಶದಲ್ಲಿ ತಪ್ಪು ಆಗಿದ್ದರೆ, ಕಾನೂನು ಬದ್ಧವಾಗಿ ನಡೆಯದೆ ಹೋದರೆ ಕಾರ್ಪೊರೇಷನ್‌ಗೆ ಅಫೀರ್ ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೆ ಅವಕಾಶ ಇದೆ ಹಾಗಿರುವಾಗ ಇದರಲ್ಲಿ ತಾವು ಮಧ್ಯೆ ಪ್ರವೇಶ ಮಾಡುವುದಕ್ಕೆ ಬರುವುದಿಲ್ಲ.

He is fully competent. You have accepted that. So, where is the question of saying you have not examined or you will look into it ?

SRI M. MOHAMMED ALI.—If the Hon'ble member Sri Kagodu Thimmappa had understood me correctly, he would have appreciated the legal position that I have explained The order which has been passed is not final. Therefore the existing rules are applicable and it is within the purview of the authority of the General Manager to suspend. That is what I have said.

Again a question has been raised asking why I am suggesting a change in the rule. The disciplinary authorities are some what different. Therefore this suspension order also must vest with the disciplinary authority. That is what I am suggesting. It is matter of principle. I am awaiting its views.

So far as the other point, why and in what manner he has been suspended, it is a different matter altogether about which I cannot say anything now because in the notice given to me what asked is, as against the minister's order and as against the direction given he has been suspended and whether it does not defy the Government order. I have explained the legal position and stated that under the existing rules he is suspended. It is not against Government orders.

SRI KAGODU THIMMAPPA.—That means the Government is bound by the rule.

SRI M. MOHAMMED ALI.—Yes, that is what I am saying.

SRI V. N. PATIL.—There seems to be specific diriction from the Minister and this House is entitled to know it. There seems to be vioation of rules, The Minister feels handicapped because of the rule.

(Spoke in Urdu)

SRI M. MOHAMMED ALI.—These rules will not have any retrospective effect. Let there be no doubt about it. The fact is, major penalties against Class I and Class II officers can be imposed only by the corporation. Therefore, in such cases the disciplinary authority must also be vested with powers of suspension. This will not have any retrospective effect.

Then notice under section 34 of the Road Transport Corporation Act, whether it is necessary and obligatory on the part of the Government to consult the corporation. Before final decision is taken, their view has got to be taken. Therefore whatever order that has been passed earlier will not have any finality unless we hear from the corporation.

SRI V. N. PATIL—What were your directions and whether there was any direction from you or not ?

SRI M. MOHAMMED ALI.-Government's order is that the disciplinary authority for Class I and class II officers shall be the authority who has the power of suspension. This modification has been sent to the corporation for their views. Final decision has to be taken by the Government. No other direction is given,

SRI M.S. KRISHNAN.—The Hon'ble minister stated that the disciplinary authority is the authority who is empowered to suspend. There are two types of suspension. One is suspension pending enquire and the other is suspension as a penalty. As we have understood, in this case the officer has been suspended pending enquiry, From the notice you have given it looks that even the right of suspending pending enquiry is taken away. Is it correct? The disciplinary authority, whoever he may be, has the right to suspend pending enquiry. Afterwards action can be taken by some one. By your interference you are taking away the ultimate duty.

SRI M. MOHAMMED ALI.—I am not taking out the powers ; I am just transferring the power of suspension from one authority of the Corporation to another authority. The Corporation will suspend and not the General Manager. He has not got the power in respect of major penalties and he is not the disciplinary authority. To get over this situation, a suggestion has been made now to the Corporation

that the Corporation shall suspend. Therefore, it is not that Government is taking away the powers of suspension but the powers of suspension are being transferred from one authority to another authority of the Corporation.

SRI KAGODU THIMMAPPA.—What prompted the Hon. Minister to make an amendment like that?

SRI M. MOHAMMED ALI.—On the face of it he is not a disciplinary authority.

SRI M. S. KRISHNAN.—The General Manager is the disciplinary authority according to your rules.

SRI M. MOHAMMED ALI.—The Corporation is the disciplinary authority in respect of major penalties in respect of Class I and Class II officers.

SRI M.S. KRISHNAN.—It is all right in respect of major penalties. But there are minor penalties. Suspension is a minor penalty and suspension pending enquiry is not a penalty at all.

SRI M. MOHAMMED ALI.—Now the question that has been raised is whether the General Manager has got the power to suspend or not. As per the existing rule he has the power and that is what I have said.

SRI M. S. KRISHNAN.—This is total interference in the affairs of the Corporation and I would humbly request the Hon. Minister that he should not do it in the interest of discipline.

SRI P. M. BANGI.—The General Manager is empowered to inflit minor penalty. Here suspension is ordered pending enquiry. So, it cannot be a penalty. So, I request the Hon. Minister to explain under what rule the General Manager is empowered to suspend.

SRI M. MOHAMMED ALI.—The only question that has been raised is about the order that has been passed under Section 34. About this particular case of suspension I don't have facts and figures. That has got to be examined separately. Why he has been suspended, in what manner he has been suspended, whether the suspension is good or bad is a different matter, and this has to be examined separately.

MADAM SPEAKER.—We shall now go to the next item, *viz.* presentation of petition.

Petition from villagers of Jamkhandi Taluk–Presentation

PRESENTATION OF PETITION

SRI P. M. BANGI.—Madam, I beg to present a petition signed by the villagers of Jamkhandi Taluk regarding scarcity of drinking water in Jamkhandi Taluk.